



ICMS #: 2020-1734

December 16, 2020

Complaint: Complainant, [REDACTED], alleges:

On [REDACTED] my daughter and her boyfriend were taking her friend home. The friend lives in Austin on [REDACTED] and we reside in [REDACTED]. Her boyfriend was asleep with the seat slightly reclined. After dropping the friend off at home she was traveling down [REDACTED]. She saw the officer sitting in the [REDACTED] parking lot. She noticed the officer pull out behind her and was careful to maintain her speed as she didn't want any issues. She was followed until she was on [REDACTED] to which the officer turned on their lights. She was not aware that two other squads had joined. She pulled over rolled her window down and with guns drawn by the officers was instructed to place her hands outside the window. She was compliant. The officers asked was there anyone else in the vehicle to which she responded yes. He was instructed to place his hands outside the window. He was asleep but she called his name and told him to put his hands out of the window. He was compliant. The female officer approached and opened the rear door and saw that there was no other passenger. My daughter was instructed to step out. She was unbuckled by the female officer and her wallet which was on her lap was placed on the dashboard. As she got out she asked what was wrong. No response was given. She was patted down and told to step over to the curb. She again asked what was wrong, what did she do? No response was given from the officer. She looked over and saw that there were three squads there and the male officer had a riffle to his chest. She was terrified. Without obtaining consent her vehicle was searched. She was asked for identification to which she stated it was in her wallet on the dashboard. She asked multiple times what was wrong why were they stopped. It was not until the search of her vehicle was complete that she was told there was a shooting in "an apartment complex" (never indicated which one) and the suspected vehicle was a white suv and suspect a black male wearing a hoodie. While her vehicle is a small white suv she obviously is not a black male and she was not wearing a hoodie. It was stated that her hair resembled a hood. The officers failed here because; my daughter was followed for over a mile before the lights were lit up, there were much more well lit areas the stop could of been made. While her vehicle may have somewhat fit the description she does not and that crap about her hair is just ridiculous. Her boyfriend was not seen before the stop so they cannot say they stopped her due to him. From the time they pulled behind her it was clear she had not remotely come from any of the apartment complexes in the area. She asked multiple times what she was detained for and did not receive a response. Her rights were violated by searching the vehicle without consent. She would of given consent however she was not asked. Guns out once the situation was secured was unnecessary. She was not told until after it was almost complete why they stopped her. They caused undue anxiety and I am grateful her younger autistic brother was not in the car as it would of caused a major meltdown for him to have been treated that way. I teach my children to respect authority. I am very glad that nobody was trigger happy that day and I am not the next news story of a mother who lost their child to police gun violence. My child has never been in any trouble and has not ever even held a gun so to have them drawn on her was overtly scary for her and she now has anxiety when driving and when she sees an officer.



This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.

Recommended Administrative Policies to Review (to include but not limited to):

301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual orientation, gender identity or gender expression or social or ethnic background.

306.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This order provides general guidelines for Austin Police Department personnel to consider when dealing with search and seizure issues.

306.5 CONSENT

(a) Entry into a location or vehicle for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. Officers should be aware that overuse of the consent search can negatively impact the Department's relationship with our community and only request a consent search when they have an articulable reason why they believe the search is necessary and likely to produce evidence related to an investigation. A search by consent is only allowed if the following criteria are met:

306.8 PROBABLE CAUSE

(b) Vehicles: 1. Officers may conduct a warrantless search of a readily movable vehicle (e.g., automobile, mobile home, boat or airplane) if there is probable cause to believe that evidence or contraband is inside and the search cannot safely be delayed in order to obtain a warrant.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

The OPO recommends that this allegation receive a B classification.